

HOUSE No. 4061

The Commonwealth of Massachusetts

PRESENTED BY:

James R. Miceli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act amending the town of Wilmington sewer act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James R. Miceli	19th Middlesex
Charles A. Murphy	21st Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 5125 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AMENDING THE TOWN OF WILMINGTON SEWER ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of Chapter 297 of the acts of 1958 is 2 hereby amended by inserting after the word “territory” in line 3 the following:—

As may be from time to time deferred and established by adoption by town meeting of 1 or more by laws as a designated sewer district under the jurisdiction and control of the Wilmington water and sewer commission with such capacity limitations, connections, pumping stations, treatment plants and other works as may be allocated in such by-law as required for a system or systems of sewage treatment and disposal.

SECTION 2. Said Section 1 of said Chapter 297 is hereby further amended by adding the following sentence:—

No other sewers shall be constructed in any public roads or ways of the town of Wilmington which are not within the limits of such designated sewer districts and which are not under the control of the Wilmington water and sewer commission.

SECTION 3. The first paragraph of section of said Chapter 297, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:—

For the purpose of paying the necessary expenses and liabilities incurred under this act, the town may borrow such sums as may be necessary and may issue bonds or notes thereof.

SECTION 4. Said Chapter 297 is hereby further amended by inserting after Section 8 the following 4 sections:—

“Section 8A. There is hereby established two separate special accounts within the treasury of the town of Wilmington as follows:—

(a) And Application Review Fund. Into the Application Review fund shall be deposited without dollar limitation all proceeds paid by applicants to the Wilmington water and sewer commission for applications for sewer connections, in such amounts as may be established from time to time by said commission with the approval of the board of selectmen, which funds may be spent by the water & sewer commission

without further appropriation for the purpose of paying for the review of permit applications to the commission.

(b) A Water Resources Mitigation Fund. Into the Water Resources Mitigation Fund shall be deposited without dollar limitation all proceeds paid to the Wilmington water and sewer commission by applicants for water resources mitigation charges and connection fees as may be established from time to time by said commission with the approval of the board of selectmen, which funds may be spend by the water & sewer commission without further appropriation for the purpose of continuing efforts to improve water conservation and reduce leakage for the town's drinking water system. Funds may also be used to design and construct storm water projects that will improve the quality and quantity of surface waters in Wilmington by treating and recharging storm water from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge, or to perform inflow/infiltration reduction work on the town sewer system."

"Section 8B. Notwithstanding any provision of law to the contrary, owners of land not within the sewer districts defined and established pursuant to Section 1 of this act shall not be permitted to connect to the town's sewer system except as is set forth in this act. 'The territory covered by said Sewer Districts may be amended from time to time by the board having charge of sewers, after a public herring conducted to consider such amendment, upon approval of the department of environmental protection if otherwise required by law and upon enactment by town meeting of a by-law defining or establishing a new or expanded sewer district. In the event that the board having charge of sewers votes not to amend the territory of any sewer district in accordance with the foregoing sentence, the amendment may nevertheless be enacted in a form of a by-law a two-third vote of town meeting.'"

"Section 8C. Any by-law adopted pursuant to the authority granted to the town of Wilmington by this act may include authorization to the Wilmington water and sewer commission without a town meeting vote to add to the sewer districts created pursuant to this act properties located within "needs areas" as defined by Wilmington's Supplemental Final Comprehensive Water Resource Management Plan/Environmental Impact Report – Commonwealth of Massachusetts Executive Office of Environmental Affairs: File Number 8844 (CWRMP), or any equivalent successor revision or amendment thereto as may be approved by said commission."

"Section 8D. Notwithstanding anything to the contrary contained herein, the board having charge of the maintenance and repair of sewers may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal building or public restrooms without thereby creating any entitlement on the part of any person to connect to such sewer system, and subject to capacity, in order of application, may permit or if in the public interest, may require, extensions, new connections or new flow to the sewer system within such districts."

SECTION 5. Section 9 of said Chapter 297 is hereby amended by 2 inserting after the word "purpose" in line 9 the following words: —

Provided however, any such action of the town shall only take place in accordance with Sections 1, 8B, 8C, and 8D.

SECTION 6. This act shall take effect on the first day of July 2 following its effective date.